

Attorney's Docket No.: 08575-048001 / Pretender

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Applicant : Erin Drakeley O'Brien et al. Art Unit : 3628
Serial No. : 09/371,687 Examiner : Jeffrey C. Pwu
Filed : August 10, 1999
Title : PROVIDING ONE PARTY ACCESS TO AN ACCOUNT OF ANOTHER
PARTY

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Commissioner for Patents
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OFFICIAL

REPLY TO ACTION OF JANUARY 16, 2004

Applicant's remarks, below, are preceded by quotations of the related comments of the examiner in small, bold-face type.

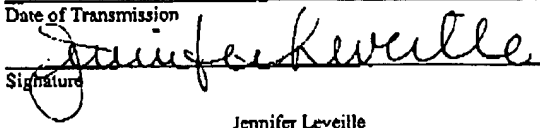
4. Claims 1, 3-13, 15-25, and 27-42 are rejected under 35 U.S.C. 102(e) as being unpatentable over Vihuber (U.S. 6,470,453)

Vihuber discloses a computer-implemented system, method, and apparatus for providing access to an account of a second party substantially claimed including:
receiving identification information associated with a first party (client first connection) that does not contain an authenticator of the second party (second connection);
based on the identification information, receiving an account information that defines a right of the first party to access account data associated with the account of the second party (3 16);
accessing the account information of the second party based on the account information session manager (124); and
enabling the first party to access the account of the second party based on the account information (abstract).

The applicant disagrees. Vilhuber does not disclose and would not have suggested receiving account information that defines a right of the first party to access account data associated with the account of the second party.

CERTIFICATE OF TRANSMISSION BY FACSIMILE

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In Vilhuber, once a first connection has been set up and access privileges have been established between a client and a server based on authentication information and authorization information, a second connection between the client and server can be set up automatically with the same access privileges, without the client or user being required to provide client or user information. [see, e.g., Abstract]

Vilhuber does not disclose a first party and a second party. In one example discussed in the Applicant's specification, the second party is an owner of an investment account and the first party is an employee of an investment firm who makes investment decisions for the account:

In some embodiments, one party (the "pretender") can access an account of another party without knowing the other party's password. For example, an employee of an investment firm can access a retirement or investment plan of a company, an individual account in such a plan, or an independent account of a private investor. Once the account is accessed, the information that would be displayed to its owner or manager is displayed to the pretender. "Owner" refers to the person that owns funds in an account, and "manager" refers to the person that makes investment decisions for the account, but does not necessarily own the funds in the account (though he may). [specification, page 4, lines 17-28]

In Vilhuber, contrary to the examiner's position, the connections are not parties as recited in claim 1, rather they are communication channels. Vilhuber mentions, as examples of connections, a Point to Point Protocol (PPP) connection, and a Serial Line Internet Protocol (SLIP) used to exchange information between a client computer and a server computer. [see e.g., Vilhuber, col. 7, lines 5-17] Such connections are not parties and the applicant respectively submits that the examiner has attributed to "party" a meaning that conflicts with common English¹ and the text of the reference by contending that a "connection" is a "party". Vilhuber does not disclose a first party and a second party as required in claim 1.

¹ The ordinary meaning of the word "party" is: (1) a person or group taking one side of a question, dispute, or contest; (2) a group of persons organized for the purpose of directing the policies of a government; (3) a person or

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Independent claim 13 also requires a first party and a second party. For example, independent claim 13 recites a computer program stored on a computer-readable medium for providing access to an account of a second party, the computer program comprising instructions that cause a computer to receive account information that defines a right of the first party to access account data associated with the account of the second party.

Independent claim 25 also requires a first party and a second party. For example, independent claim 25 recites an apparatus for providing access to an account of a second party, including a processor which executes the instructions to receive account information that defines a right of the first party to access account data associated with the account of the second party.

Independent claims 13, and 25 and all of the claims that depend on them and on claim 1 are patentable for at least the same reasons given above with respect to claim 1.

Independent claim 9 recites a method that includes verifying that the first party is entitled to access account data associated with the account of the second party based on the identification information and account information that defines a right of the first party to access the account data. Vilhuber does not disclose a first party and a second party as required in claim 9.

Independent claim 21 also requires a first party and a second party. For example, independent claim 21 recites a computer program stored on a computer-readable medium for providing a first party with access to an account of a second party, the computer program including instructions that cause a computer to verify that the first party is entitled to access account data associated with the account of the second party based on the identification

group participating in an action or affair a person or group participating in an action or affair; or (4) a particular individual. [Merriam-Webster Dictionary, www.m-w.com, last visited on 3/9/2004]

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information and account information that defines a right of the first party to access the account data.

Independent claim 33 also requires a first party and a second party. For example, independent claim 33 recites an apparatus for providing a first party with access to an account of a second party, including a processor which executes the instructions to verify that the first party is entitled to access account data associated with the account of the second party based on the identification information and account information that defines a right of the first party to access the account data.

Independent claims 21 and 33 and all of the claims that depend on them and on claim 9 are patentable for at least the same reasons given above with respect to claim 1.

Independent claim 40 recites a computer-implemented method for providing access to an account of a second party, including providing account information that defines a right of the first party to access account data associated with the account of the second party. Vilhuber does not disclose a first party and a second party as required in claim 40.

Independent claim 41 also requires a first party and a second party. For example, independent claim 41 recites a computer program stored on a computer-readable medium for providing access to an account of a second party, the computer program including instructions that cause a computer to provide account information that defines a right of the first party to access account data associated with the account of the second party.

Independent claim 42 also requires a first party and a second party. For example, independent claim 42 recites an apparatus for providing access to an account of a second party,

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including a processor which executes the instructions to provide account information that defines a right of the first party to access account data associated with the account of the second party.


Independent claims 41 and 42 and all of the claims that depend on them and on claim 40 are patentable for at least the same reasons given above with respect to claim 1.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/6/04


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